



NEW CONSTRUCTION PERMIT STORM WATER POLLUTION PREVENTION

City of Lexington

Volume 1, Issue 2

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Welcome to the second issue of the *Storm Water Pollution Prevention Bulletin*. This bulletin is published by the City of Lexington Storm Water Management Program to support the local development community in achieving compliance with storm water pollution prevention regulatory requirements. Topics will include technical information regarding practices and solutions, Storm Water Management Program activities and findings, sources of additional information, and examples of effective practices encountered during inspections. Please feel free to submit topics.



Does My Site Need a Construction Stormwater Permit?

The Nebraska Department of Environmental Quality has reissued the construction stormwater general permit that authorizes the discharge of pollutants in stormwater associated with construction activity, including clearing, grading and excavation. The new permit now covers discharges associated with both small and large construction activity, defined as activity that disturb from one to five acres, in response to the Phase II Stormwater Regulations promulgated in 1999. This construction stormwater general permit replaces the previous permit that was issued July 1997.

How does one know if a Construction Stormwater Permit is required?

Answer the following questions:

(Construction activity as defined by this permit includes a disturbance to the land that results in a change in the topography, existing soil cover, or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into waters of the state or urban drainage systems.)

1a) Will your construction activity disturb 1 acre or more?

1b) Will your Construction activity PLUS Support activity disturb 1 acre or more?

1c) Will your Construction activity disturb less than 1 acre, but is part of a larger Common Plan of Development or Sale, which will ultimately disturb 1 acre or more? (including all support activity)

2) Does your site drain to waters of the state? (In almost every case, the answer to this question is yes. However, if the topography of your site is such that there is no possibility that rainfall or snow melt could leave the site or enter a waterway under any condition, permit coverage would not be needed.)

If you answered Yes to any of the questions 1a-1c & question 2, your construction activity requires a Construction Stormwater Permit from the Nebraska Department of Environmental Quality.

-I need permit coverage.

Where do I start?

1. Read NDEQ's Nebraska Construction Storm Water General Permit, NPDES Permit Number NER110000 You can download a copy of NDEQ's permit at www.deq.state.ne.us. Read NDEQ's permit carefully, and remember that operators are legally responsible for complying with all its provisions.

2. Develop a Stormwater Pollution Prevention Plan (SWPPP) The SWPPP is a plan showing how stormwater runoff will be controlled from your construction site. It is broader and more complicated than a typical erosion and sediment control plan, and must be prepared by a qualified individual such as a Professional Engineer, Certified Landscape Architect, and / or Certified Professional in Erosion and Sediment Control. The SWPPP must be completed before commencement of construction activities. The plan must be available on-site for review during inspection. Because every site is unique, every SWPPP is unique, and should be site specific. The SWPPP needs to be updated as your work progresses. Please visit www.epa.gov/npdes/stormwater/cgp for more information on how to develop your SWPPP.

The new construction general permit has become active & is available online at the NDEQ website, www.deq.state.ne.us

This new permit requires all regulated sites to reapply, even if coverage was secured under the previous permit.





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Basic SWPPP Principles

- Divert stormwater away from disturbed or exposed areas of the construction site.
- Install BMPs to control erosion and sediment and manage stormwater.
- Inspect the site regularly and properly maintain BMPs, especially after rainstorms.
- Revise the SWPPP as site conditions change during construction and improve the SWPPP if BMPs are not effectively controlling erosion and sediment.
- Minimize exposure of bare soils to precipitation to the extent practicable.
- Keep the construction site clean by putting trash in trash cans, keeping storage bins covered, and sweeping up excess sediment on roads and other impervious surfaces.

3. Complete an endangered species determination for the project site The operator must assess the potential effects of stormwater runoff on federally listed endangered and threatened species and any designated critical habitat on or near the site. In making this determination, the operator needs to consider areas beyond the immediate footprint of the construction activity and beyond the property line—areas that could be affected directly or indirectly by stormwater discharges. The local offices of U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their Web sites. Visit www.epa.gov/npdes/stormwater/esa for more information.

4. File a Notice of Intent (NOI) The Notice of Intent (NOI) form lets the NDEQ know that you are filing for permit coverage and is your certification that you have read, understood, and implemented the requirements of NDEQ's permit. NDEQ's permit requires an NOI to be filed 7-days prior to the commencement of construction activity. Your completed NOI should be included in your SWPPP.

Who submits an NOI?

The “operator” submits a Notice of Intent (NOI) form. The operator is the entity (generally company, corporation, etc.) that has operational control over the construction plans or day-to-day activities that are necessary to implement the Stormwater Pollution Prevention Plan (SWPPP) (see below). On some sites, several entities may meet the definition of operator and all must file NOIs. Operators may include owners, general contractors, and subcontractors.

It is the responsibility of the operator(s) to develop and implement a SWPPP and maintain all best management practices (BMPs) during each stage of the project. Best management practices are the techniques (buffers, silt fences, detention ponds, swales, etc.), schedules of activities, prohibitions of practices, and maintenance procedures to prevent or reduce the discharge of pollutants.

5. Implement all BMPs outlined in your SWPPP Follow your SWPPP! All BMPs must be implemented, inspected and maintained regularly. Inspections are required at least once every 14 days and within 24 hours of the end of a rain event of 1/2-inch or more (significant event). The plan must also be updated as site conditions and BMPs change. Remember to keep records of your maintenance activities and any SWPPP modifications for review during inspection.

6. File a Notice of Termination You should terminate permit coverage when your project is completed (70% of the native background vegetation is reestablished on unpaved areas).

For additional information on the City of Lexington Storm Water Program, or if you have any questions please contact:

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Have you budgeted for permit related fines and delays?

Find out more at: <http://www.deq.state.ne.us/> or www.stormwaterauthority.org

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